

EXHIBIT 5

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION

GESTURE TECHNOLOGY)	
PARTNERS, LLC,)	
Plaintiff)	
)	
)	
vs.)	CASE NO. 6:21-cv-00122
)	
LENOVO GROUP LTD., LENOVO)	
(UNITED STATES) INC. and)	
MOTOROLA MOBILITY LLC,)	
Defendants)	

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ORAL VIDEOTAPED DEPOSITION
CORPORATE REPRESENTATIVE OF
LENOVO (UNITED STATES) INC.
JESAL ACHARYA
August 25, 2021

ORAL VIDEOTAPED DEPOSITION OF JESAL ACHARYA,
produced as a witness at the instance of the
Plaintiff and duly sworn, was taken in the
above-styled and numbered cause on the 25th day of
August, 2021, from 11:55 a.m. to 1:20 p.m. Eastern
Time, before Laurie Carlisle, Certified Shorthand
Reporter in and for the State of Texas, reported by
computerized machine shorthand via videoconference,
pursuant to the Federal Rules of Civil Procedure and
the provisions stated on the record or attached
hereto.

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1 Q. I believe that you do. We looked at it at
2 the beginning of this section.

3 A. Okay.

4 Q. It's the deposition notice for Lenovo
5 (United States) Inc.

6 A. For some reason it's not popping up. Let
7 me -- you said 15, right?

8 Q. Yeah, it should be in the chat if you can't
9 find it.

10 A. Let me doublecheck. I'm not seeing it.
11 And the file extension starts with Exhibit 15?

12 Q. This one may be one where the file
13 extension does not. It may start with something like
14 a date --

15 A. Okay.

16 Q. -- as opposed to an exhibit number. I
17 think the file name on the deposition notices was a
18 little bit different.

19 A. Yeah, okay. So I do see a couple. There's
20 a 2021 and then 17. Can you tell me the --

21 Q. So this one, it would be the 30(b)(6)
22 deposition notice of Lenovo as opposed to Motorola.
23 But they're very similar.

24 A. Is this the one that says Gesture
25 Technology Partners LLC, Plaintiff, versus Lenovo

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1 Group Limited?

2 Q. Yes.

3 A. 13-page document.

4 Q. That is correct.

5 A. Okay, got it.

6 Q. So if you can go down to page No. 11.

7 A. Okay.

8 Q. You'll see a title called Deposition
9 Topics.

10 A. Yeah, got it.

11 Q. Are you familiar -- and I'm looking at the
12 list of companies. Item C is Intech Southwest
13 Services.

14 Are you familiar with that company?

15 MS. HUANG: Objection to form.

16 A. No.

17 Q. Do you have any information about the
18 relationship between Lenovo (United States) and
19 Intech Southwest Services?

20 MS. HUANG: Objection to form.

21 A. No.

22 Q. Is the same true for the remaining
23 companies, D, E, F, and G on this list in Exhibit 15?

24 MS. HUANG: Objection to form.

25 A. Correct, same is true.

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1 Q. Are you aware of any companies separate
2 from Lenovo (United States) Inc. that Lenovo (United
3 States) Inc. might use to do business in the Western
4 District of Texas?

5 MS. HUANG: Objection to form.

6 A. No.

7 Q. In the prior deposition related to Motorola
8 Mobility you indicated that you didn't have any
9 information about the service providers or dealers
10 and their activities related to Motorola Mobility.
11 Do you remember that?

12 MS. HUANG: Objection to form. Misstates
13 testimony.

14 A. Yes, I do remember that.

15 Q. Is the same true for Lenovo (United
16 States)? Do you have any information about the
17 relationship between service providers or dealers and
18 Lenovo (United States) beyond the type of information
19 you had for Motorola Mobility?

20 MS. HUANG: Objection to form.

21 A. They may be on a report that was prepared
22 for this, but -- and even that -- specific names, I
23 don't recall. But other than that, I don't have any
24 other information.

25 Q. And is this the same report that you

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1 recalled during the deposition of Motorola Mobility,
2 LLC, a report of service providers in the Western
3 District?

4 A. Yeah, I don't know if it's the exact same
5 report or a similar report that's -- you know, one's
6 for Motorola, one's for Lenovo U.S., you know, but
7 it -- in that sense it's the same type of a report.

8 Q. And do you remember any of the details from
9 the report for Lenovo (United States) Inc.?

10 MS. HUANG: Objection to form.

11 A. I do not.

12 Q. Besides shipping products to the Western
13 District of Texas, are you familiar with any other
14 activities that Lenovo (United States) performs in
15 the Western District of Texas?

16 MS. HUANG: Objection to form.

17 A. No.

18 Q. I think that you said before, but I want to
19 clarify, the only office that you're aware of that
20 Lenovo (United States) ever had in the Western
21 District of Texas was the office in Austin, which
22 closed about three years ago, correct?

23 A. That's correct.

24 MS. HUANG: Objection to form.

25 A. Correct.

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1 Q. Are you aware of any other assets of any
2 kind that Lenovo (United States) has in the Western
3 District of Texas?

4 MS. HUANG: Objection to form.

5 A. I am not aware because that would be
6 outside of my scope. If it's not related to real
7 estate, I wouldn't know.

8 Q. Besides the employees listed on Exhibit 5,
9 are you aware of any contractors that Lenovo (United
10 States) uses in the Western District of Texas?

11 MS. HUANG: Objection to form.

12 A. No, I do not know.

13 Q. Are you aware of any agents or proxies or
14 other people that are not employees that do
15 activities for Lenovo (United States) in the Western
16 District of Texas?

17 MS. HUANG: Objection to form.

18 A. I do not know.

19 MS. HUANG: Sorry. Objection to form.
20 Calls for a legal conclusion.

21 A. No, I do not know.

22 Q. Do you know the financial relationship
23 between Lenovo (United States) and any of its
24 authorized dealers or service providers in the
25 Western District of Texas?

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1 MS. HUANG: Objection to form.

2 A. No.

3 Q. Do you know what kind of equipment or
4 instructions or services Lenovo (United States)
5 provides to its dealers or service providers in the
6 Western District of Texas?

7 MS. HUANG: Objection to form.

8 A. No.

9 Q. Do you know if anyone performing services
10 for Lenovo (United States) in the Western District of
11 Texas receives compensation or benefits or a stipend
12 or allowance or other payment or monetary reward for
13 maintaining an office in the Western District of
14 Texas?

15 MS. HUANG: Objection to form.

16 A. No.

17 Q. Do you know if Lenovo (United States) has
18 servers or telephone systems in the Western District
19 of Texas?

20 MS. HUANG: Objection to form.

21 A. No.

22 Q. Do you know if any of the people listed on
23 Exhibit No. 5 maintain servers or other computer
24 equipment beyond a laptop or a PC in the Western
25 District of Texas?

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1 MS. HUANG: Objection to form.

2 A. No.

3 Q. If you look at page 13 of Exhibit 15,
4 there's topics 11, 12, 13 and 14.

5 Do you recall that we talked about
6 these when we were talking about Motorola Mobility
7 LLC?

8 MS. HUANG: Objection to form.

9 A. Which page?

10 Q. It's page 13 of Exhibit 15, the deposition
11 notice. And it's at the bottom, the last four
12 topics, 11, 12, 13 and 14.

13 A. Okay.

14 Q. Do you recall talking about these
15 previously?

16 MS. HUANG: Objection to form.

17 A. Yes.

18 Q. And I think previously you indicated that
19 you were not involved in preparing the
20 interrogatories or response to document requests,
21 correct?

22 A. That's correct.

23 Q. And that you didn't have any information to
24 provide regarding topics 11, 12, 13 or 14. Is that
25 true for Lenovo (United States) as well?

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1 correct?

2 MS. HUANG: Objection to form.

3 A. Correct. I don't know who that is.

4 Q. And you did not speak to Victoria

5 Powekowski (phonetic).

6 MS. HUANG: Objection to form.

7 A. No. Don't know who that is.

8 Q. Other than the reports that you mentioned,
9 did you look at any other documents in preparation
10 for your deposition?

11 A. Yes.

12 Q. Which ones do you recall?

13 A. The -- two of the exhibits that you -- that
14 we reviewed that started with Gesture versus Motorola
15 and Gesture versus Lenovo U.S. And I forget the
16 title of the document, but it's -- it's the document
17 where interrogatory --

18 Q. Interrogatories?

19 A. Yeah. So I don't know the name, the title
20 of that document, but I looked at that.

21 Q. Did you look at the lists of employees,
22 Exhibit 5 and Exhibit 11?

23 A. So, sorry. I thought you had already
24 referenced that outside of that. So yes.

25 MR. SIMONS: So subject to our request to

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1 either continue this deposition or have a witness who
2 has information relevant to the topics that we have
3 asked for information on, because this witness didn't
4 have much information, I don't have any further
5 questions.

6 MS. HUANG: I'd just like to note for the
7 record that, again, we disagree with that assessment.

8 Is it okay if we go off the record for a
9 couple minutes?

10 MR. SIMONS: Sure.

11 THE VIDEOGRAPHER: We are going off the
12 record. The time is 12:46 p.m.

13 (Recess taken)

14 THE VIDEOGRAPHER: We are back on the
15 record. The time is 1:04 p.m.

16 EXAMINATION

17 BY MS. HUANG:

18 Q. Welcome back, Mr. Acharya.

19 Do you recall earlier today Gesture's
20 counsel asking you a series of questions about
21 authorized service providers and authorized dealers
22 in the Western District of Texas?

23 A. Yes.

24 Q. Gesture's counsel asked you if you knew the
25 amount of revenue that authorized service providers

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1 or authorized dealers generate in the Western

2 District of Texas, correct?

3 A. Correct.

4 Q. And he also asked if you knew how Lenovo or

5 Motorola reimburse authorized service providers or

6 authorized dealers for repairs or sales of Motorola

7 or Lenovo products, right?

8 A. Correct.

9 Q. And he also asked you if you knew if

10 Motorola or Lenovo maintained bank accounts in Texas

11 to pay dealers or service providers, correct?

12 A. Correct.

13 Q. Did he also ask you if you knew whether

14 Lenovo or Motorola had agreements with authorized

15 service providers or authorized dealers?

16 A. Yes, I believe so.

17 Q. And he also asked if you knew what the

18 volume of repairs was for these authorized service

19 providers and authorized dealers, right?

20 A. Correct.

21 Q. He also asked you if you knew the types of

22 instructions that Lenovo or Motorola place on repairs

23 made in this district. Is that correct?

24 A. Correct.

25 Q. And he also asked if you knew the type of

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1 equipment and manuals that Lenovo or Motorola provide
2 authorized service providers or authorized dealers in
3 this district. Is that right?

4 A. Correct.

5 Q. Is there anyone at Lenovo or Motorola who
6 would know the answer to these questions without
7 looking into each and every individual authorized
8 service provider or authorized dealer?

9 A. No.

10 Q. If we can pull up Exhibit 12, which was
11 entered into evidence. It is the file -- I think it
12 says Exhibit 12, but the date is May 26, 2021. Let
13 me know when you've pulled that up.

14 A. Okay. Got it.

15 Q. Do you recall looking at this document
16 earlier today?

17 A. Yes.

18 Q. And these are Motorola Mobility's Responses
19 to Plaintiff Gesture Technology Partners LLC's First
20 Set of Interrogatories Numbers 1 through 11. Is that
21 right?

22 A. Correct.

23 Q. If you scroll down to page 9, around the
24 middle of the page -- actually, let's do this. Let's
25 go back to page 8.

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1 A. Okay.

2 Q. Do you see where it says interrogatory

3 No. 4?

4 A. Yes.

5 Q. Can you read that interrogatory into the
6 record for us?

7 A. The entire No. 4?

8 Q. Yes, please.

9 A. Yes.

10 "Identify and describe all the
11 entities, employees, agents, authorized service
12 providers and/or authorized dealers that sell,
13 repair, market or accept return of or sold, repaired,
14 marketed or accepted returns of in the relevant time
15 period Motorola products related to the accused
16 instrumentalities in the state of Texas as well as
17 identification and description of the five persons
18 (including when appropriate but not limited to any
19 third parties) with the most knowledge regarding such
20 repairs and sales, and identify any city, state, and
21 country in which each resides as employees, has
22 operations, or conducts business."

23 Q. And you see right after that there's a
24 response to interrogatory No. 4. Do you see that?

25 A. I do.